of Yarmouth, who did not want to have disclosed to the public the evidence of insanity in the Thaw family.

A few times in Mr. Littleton's speech Thaw showed signs of nervousness and excitability. Several times he spoke to Lawyer Peabody, who sat next to him, and once he started a laugh, which Mr. Peabody cut short promptly. The only members of his family in court were his half brother, Josiah Thaw, and his sister, Mrs. George Lauder Carnegie. They sat in what has been named the Thaw pew, most of the time looking downcast. been named the Thaw pew, most of the time looking downcast. Evelyn Nesbit Thaw heard Mr. Littleton's

speech, although she was not in the court room. With the other witnesses she had been excluded in the morning, but to at least part of Mr. Littleton's speech she least part of Mr. Littleton's speech

Three times Mr. Littleton's speech was nterrupted by Mr. Jerome. Mr. Littleton said that nothing would be done that would reflect on the memory of Stanford White unless it was absolutely essential to the of his client. But when he began to talk of the meeting of Evelyn Nesbit and the architect Mr. Jerome objected, saying that it had no bearing on the defence. When that it had no bearing on the defence. When he began to describe the publicity the case had received he was cut short again by Mr. Jerome, who described Mr. Littleton's effort as the most extraordinary he had heard. Justice Dowling warned Mr. Littleton to state simply what he intended to

JUSTICE DOWLING ON TIME.

Justice Dowling, who believes in being rempt and holding long sessions, was on he bench at 10 o'clock to the minute when ourt opened. There was a slim crowd in the court room, but the usual mob of persons who never seem to have anything to do hung around the building hoping to get a climpse of some one connected with the

It took Mr. Garvan just twenty minute to tell the jury in a straightforward, matter of fact way what the prosecution intended to present to the jury to convince them that Thaw was guilty of murder. After the brual word of praise for the jury Mr. Garvan sked that no personal feeling or difference be allowed to interfere with a fair verdict. be allowed to interfere with a fair verdict. The purpose of the enforcement of criminal law was not retribution or revenge or ex-pistion. It was for the protection of society and to serve as a notice to all who con-

templated the commission of orime that they could not break the laws of the State without being punished.

After defining the legal definition of insanity Mr. Garvan told in very few words the incidents of the night on which White was killed. He had sport the Sunday be was killed. He had spent the Sunday be-fore with his family. He dined that even-ting with his son and a chum of his son at the Café Martin. They went to one roof the Café Martin. They went to one roof garden, he to the roof of the building he had seigned.

Thaw came in with his wife, Truxtur

Thaw came in with his wife, Truxtun Beale and Thomas McCaleb. They passed James Clinch Smith, took seats and then Thaw went over and spoke to Mr. Smith. Thaw walked around the roof and then killed White. The revolver was taken away from him, he was led out and taken to the Tenderloin station, where he gave a fictitious name, Thomas Smith, a student, of Washington. Then he asked to see Joseph Choate, William B. Hornblower or or Lewis Delafield.

"By every rule of law," said Mr. Garvan.

"By every rule of law," said Mr. Garvan. "it is the contention of the people of the State of New York that the defendant com-nitted a premeditated, deliberate, cowardly

i urder on that night. At the conclusion of this case we will ask you for a verdict of nurder in the first degree."

William Volkening, a draughtsman, who had made a drawing of the floor plan of the roof garden for the District Attorney the manning of the theoreting was the first the morning after the shooting, was the first witness. He identified the plan he had made, but Mr. Littleton wanted to know if it spresented to be a plan of the condition of the roof on the night of the shooting. Littleton inquired where certain plants ad been and also about arches and lights inder the balcony. They were not specified the plan, and on Mr. Littleton's objection the drawing was not admitted in evide

JAMES CLINCH SMITH CALLED. That disposed Mr. Volkening, and then Ir. Smith, whose testimony was one of the features of the first trial, was called Time does not change Mr. Smith much. Te looks to be about 40, he says he is often taken for 32, while as a matter of fact he is 60 odd. He spoke in the same well con-

Mr. Littleton harassed him, and then there was a ring to his voice that meant business.

Mr. Smith said he was a lawyer but not bractising and had known Thaw for twelve or fifteen years. He got to the opening night of "Ma'zele Champagne" about 9:15 o'clock. He didn't see White but he saw

Thaw and his party come in.

"They walked over and took seats," he said. "Thaw did not sit down but walked to an aisle and looked over the audience for a minute or two. Then Thaw came up and spoke to me. He said: 'That's funny. We were only to get three seats.' funny. We were only to get three seats.'
Then Thaw took another good look around

There was a vacant seat next to Mr Smith and Thaw sat down. Thaw spoke about the steel and copper stocks and said he was surprised that they were so low as they were good investments. He asked Mr. Smith if he was doing anything in the Street and Mr. Smith said he was not a speculator.
Mr. Smith told him he was going to

Europe in a few days on the Deutschland and Thaw said he was going on the Amerika. They discussed the respective merits of the two boats. Thaw remarking that he had to pay an extravagant price for his rooms as he insisted upon having quarters where he could have his meals. There was some more talk on the same subject, all of which Mr. Smith has told before, and then Thaw, according to the witness remarked. according to the witness, remarked:

THE BUXOM BRUNETTE.

"I said. 'What do you mean?' said Mr. Smith. "He said he knew a nice girl that he thought I would like. He said she was a buxom brunette, not so very pretty, a nice girl, and I said I didn't care anything about meeting her.

Thaw wanted to know if Mr. Smith knew

ruxtun Beale. Mr. Smith said he had leard a great deal of him, but had met im that afternoon for the first time at the You remember an occurrence that took

place several years ago?" said Thaw. "There were two men and a woman-but never

mind about that."
Thaw asked Mr. Smith how old he was.
Mr. Smith asked him what he thought and
Thaw said about 32, to which Mr. Smith replied that he was past 50. Then Thaw got on his feet and looked over the audience for the purpose, Mr. Smith thought, of trying to find some one there. Thaw excused himself and walked to the

Twenty-sixth street side of the roof, the side on which White was sitting. He walked to the entrance from the elevator and then back to where his wife and his two friends were sitting. McCalebl got up and walked over and spoke to Mr. Smith. Thaw walked up the stairs to the balcony and came down in about two minutes. He went over to where his wife was sitting and she walked out with McCaleb. Thaw and Beale followed behind them. Mr. Smith watched them until they got to the elevator and then he

it sight of Thaw.
"I hear I three pistol shots," said Mr Smith, "and jumped to my feet at once. I saw Thaw with the pistol and started for him. I looked at the body on the floor. The head was resting on an arm and the side of the face around the ear and the hair were blackened by powder. I was about to look at the other side of the face when a table cloth or a sheet of some kind was put

SMITH AND WHITE FRIENDLY.

Mr. Smith got off with a very short cross-examination from Mr. Delmas, but Mr. Littleton was more inquisitive. He wanted to know if Mr. Smith was on friendly terms with White and he was told that he was and that their families were on friendly terms. He knew that White had an apartment in the Madison Square Garden tower and he had been in it, but not very often.

When the shooting occurred his wife When the shooting occurred his wife was in Paris and he was stopping at the Webster in West Forty-fifth street. He couldn't recall that White had had dinner



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with him there two weeks before the shoo ing. Mr. Littleton was very anxious to find out about that dinner, but Mr. Smith was quite sure that he did not have dinner

was quite sure that he did not have dinner with White in that time.

Another thing Mr. Littleton was most anxious to know was whether Mr. Smith saw anybody he knew when he went on the roof garden that night. Mr. Smith said he didn't recognize anybody until he saw Thaw. He didn't know Mrs. Thaw personally, he said, but had heard of her and knew that she had been on the stage. In response to questions from Mr. Littleton the witness said that he had kept his eyes "riveted" and "fastened" on Thaw while he walked around the roof looking over the audience.

over the audience.

"When they came in I was wondering where they were going to sit," said Mr.

"Never mind any explanation," said Mr.

Ittleton warmly.

Mr. Smith said that he was more interested in Thaw than in the play. The play was stupid, he added. As he watched Thaw walk around he could just see part of his left eye. He was sure that Thaw was looking at the present all the time. It was looking at the one spot all the time. It was true he couldn't see his eyes, but from the slant of his head he knew that he was looking in a particular direction all the time. As described by Mr. Smith, Thaw didn't take his eyes off where White was sitting, although Mr. Smith didn't know then that White was on the roof that night.

MADE MEMORANDUM OF WHAT HE SAW. Before he got home that night he learned from an newspaper extra that it was his brother-in-law who had been killed. Then he sat down and made a memorandum of what he had seen Thaw do that inight. He had shown the memorandum to his lawyer, Frank E. Blackwell, and to Assistant District Attoring Garyan. sistant District Attorney Garvan.
"I have it here now," said Mr. Smith,

"if you want to see it."
But Mr. Littleton didn't show any earnest desire, although he asked Mr. Smith if he had memorized it. Mr. Smith said he had, that he had read it over carefully before he testified at the last trial and that he knew it almost by heart

it almost by heart

Mr. Smith said he had met two friends on the roof—a Mr. Leslie and Justice Lester Holmes. After learning that, Mr. Littleton went back to Mr. Smith's description of what he saw Thaw doing. Mr. Littleton couldn't understand how Mr. Smith could figure out that Thaw was looking in the igure out that Thaw was looking in the direction of where White was sitting.
"I saw him turn his head in the direction of Mr. White," said Mr. Smith warmly, "and I saw the dead body of my brother-in-

These conclusions are based on what you observed and the impression made on you when you saw White's body," said Mr. Littleton.

Mr. Littleton.

"That's right," said Mr. Smith.

"Then what you are testifying to here
is partly conclusion," said Mr. Littleton.

"I am telling you what I observed,"
said Mr. Smith.

Although Mr. Littleton's voice could
be heard all over the courtroom Mr. Smith
had difficulty in understanding all his
questions. He said he didn't observe any

questions. He said he didn't observe any plants, vines or pillars, except the general scheme of decoration. Nothing obscured his view of Thaw, although persons were walking around with hats on

NOW THAW APPEARED AFTER THE SHOOTING. Mr. Smith told Mr Littleton that he was the first man to get to Thaw after the shooting, that he was within six feet of Thaw when the fireman came up and took the pistol away. Thaw held the pistol above his head. Smith meant to ask him what he had done, but didn't. When he got to Thaw Mrs Thaw, McCaleb and Beale were trying to get him to go down on the elevator. Then the fireman stepped up and wrested

the pistol from him.

Mr. Smith said that Thaw's actions
were rational, and told how he "broke"
the pistol, although he wasn't sure whether aw held the pistol up by the stock or the rrel. Mr. Smith persisted that the side

Thaw held the pistol up by the stock of the barrel. Mr. Smith persisted that the side of Mr. White's face had been blackened so by the powder that he couldn't recognize him.

"Are you often mistaken for a man of 32?" asked Mr. Littleton.

"Very often," said Mr. Smith. "Every few days. That happened only last night."

It surprised Mr. Littleton, who wanted to know how Thaw could take him for 32 when he had known him fifteen years. Mr. Smith couldn's explain that and Mr. Mr. Smith couldn's explain that and Mr. Littleton wanted to know if he had ever discussed with Thaw stock market specu-

discussed with Thaw stock market speculation. Mr. Smith said he had not.

Then if he asked you if you were a stock speculator and said your age was 32 might he not have mistaken you for some one else? asked Mr. Littleton.

Mr. Smith didn't believe that a bit. He that Thaw had made no mistake. He

Mr. Smith didn't believe that a bit. He felt that Thaw had made no mistake. He had never discussed with White or Thaw the relations between the two men. He had never dined with Thaw and had never been his guest. He had met him at parties and balls around the city.

That wound up Mr. Littleton's cross-examination and Mr. Jerome, who had a had cold took up the redirect examination. examination and Mr. Jerome, who had a bad cold, took up the redirect examination. He got Mr. Smith to produce the memorandum he had made of what happened on the roof that night. After glancing over it he offered it in evidence. Mr. Littleton objected, saying that it had not

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been shown that Mr. Smith needed it to refresh his recollection.
"Withdrawn," said Mr. Jerome promptly

Mr. Littleton started to make a speech but Justice Dowling stopped him, where upon Mr. Jerome asked to have the memor andum impounded so that if anybody wanted it it would be in the possession of the Court Justice Dowling turned the document over to Clerk William Penney, and the defence may have it if there is any esire to put it in evidence.

A WITNESS OF THE SHOOTING. Warner Paxson, who has been engineer of the Madison Square Garden for eighteen years, was the next witness. He saw White sitting at a table, one arm thrown over the back of a chair and the other on the table. He saw Thaw after the first

the table. He saw Thaw after the first shot.

He stood up and described how Thaw held the pistol in the air on a level with his shoulder. He beard Thaw say: "I've got to go. Why don't you take me down on the elevator now? I don't want to annoy these people." Thaw added: "I did it because this man ruined your life." He said this to Mrs. Thaw as they were going down in the elevator. She replied: "All right, dearie; but look at the fix you are in," and he replied: "Well, probably I saved your life."

When they got to the street Paxson said he heard Thaw give directions to Beale to have his wife sent to a hotel and to notify his brother-in-law, George Lauder Carnegie, of what had happened.

Orose-examined by Mr. Littleton, Paxson said that Thaw had an overcoat on, but he hadn't seen him walking up and down the aisle. There were no boxes of plants on the roof, he said.

One question seemed involved to Mr.

One question seemed involved to Mr. Jerome, who said he didn't think the wit-

Jerome, who said he didn't think the witness could understand it.

"He may understand it better than you," said Mr. Littleton sharply.

After Coroner's Physician Lehane had testified to the nature of the bullet wounds that had killed White Mr. Jerome announced that the people's case was in. There was some surprise that Mr. White's son was not called, but it was learned that he is at school in Europe and that if he is needed as a witness he will come here.

After giving Mr. Littleton fifteen minutes to get ready for his speech Justice Dowling said that he had received letters for the jury and that if any one attempted

for the jury and that if any one attempted to get any communication to the Court or the jury about the trial they would be in contempt. It was also announced that all witnesses except the alienists would be kept from the court room. This was not ne at the first trial.

LITTLETON BEGINS HIS SPEECH. Mr. Littleton told the jury that he was sorry he could not put off his speech until this morning. Speaking of the duties of those engaged in the trial he said:

A personal word as to the position which ounsel occupy is not out of place at the beginning of so important a case. I would not if I could and I could not if I would disguise the fact that the part I shall play, and my associates shall play, is the part of wholesome, healthy partnership on behalf of the It is candor to you, frankness with our fellows and just to our conception of our duties that we make this legitimate acknowledgment. A partisanship, however, the partisanship of the distinguished gentle men who represent the people.

When Mr. Garvan spoke of insanity Mr. Littleton believed he referred to responsibility, as the Legislature was incapaple of saying what insanity is. Scientists had not been able to grasp it, so how could the Legislature? As to the indictment against Thaw he said:

If the facts are that he slew Stanford White while in a responsible condition and of sound mind: if the facts are that he slew him with malice premeditated, with no excuse or justification under the statute of the State if the facts are that there is nothing to exolain or to extenuate or to set down that will relieve him from the burden of this chargethen the only manly thing to do-for him or for me or for any one associated in this case to do-is to look you squarely in the face and say, "This is murder in the first degree, and no extenuating circumstances make it any-thing else." Here now I declare our position so that you may not misunderstand it, nor the counsel on the other side. Let the war be fought between that degree and the acquittal of this defendant.

The defence was that Thaw was insane the night he shot White. That was the defence that had to be made, because it would be absurd to say that he was insane at any other time. Of course the jury could search Thaw's past to see what light it reflected on the killing. Mr. Littleton

But let me strip your minds if I can of the prejudice, of the feeling of passion, if it is there, the scepticism if it is there, the suspicion, if it lingers there, that there is in any sense a disposition, a purpose orconsequence resulting from any disposition or purpose that this defence has been for one moment invented out of the situation or rather to meet an exigency which otherwise could not be met. I challenge our friends on the other side with no spirit of braggadocio, but in earnestness as contestants here at this bar upon that issue. I invite your attention throughout the whole case to see if you can find that there is any disposition on my part or that of my associates to undertake to set before you a defence or explanation which en brought about by any exigency of this lawsuit.

Mr. Littleton went into a discussion of the brain, saying that "science stands bravely with its light still lit, peering still yet into the darkness of the human mind, striving to understand the mainsprings of human action." Then he got down to the history of the life of Harry Thaw, "to the end that you may see it with the eyes of his mother, his teacher and his family." It was no story of a man strong, virile and active, who suddenly "under the power and activeness of a passion was overthrown and then suddenly restored again." THAW'S PAMILY HISTORY.

then suddenly restored again. then suddenly restored again."

It was a story that he would willingly forego telling for the sake of the delicacy of feeling "which may affect those who are nearest to him." Mr. Littleton said:

It is not a pleasant subject to pull aside the curtain that shuts out the past of a familyof a family history; and yet do you know that in the enlightenment which we are rapidly reaching the old theory that it was comething wrong to have insanity in a family that it was something to hide the head from or to bow the head in shame—that old theory is rapidly disappearing from the face of the earth. The old idea that it was a casting out

of devils was only in a figurative sense.

This defendant was born of William Thaw and his wife some thirty odd years ago. Before him his father was a strong man, his

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THE SUCHE UNDER STATE OF THE PROPERTY OF mother a strong though at times, afflicted oman. There is, however, in the history of their families that strange situation which produced what is called convergent beredity upon the father's side. His was insane from 5 years of age and died at

50 years of age in Pittsburg.
Upon the father's side, his cousin died the hospital of Williamsburg, Va., in 1885 of melancholia, as the records will show Upon his father's side, Harriet Alice Thaw

of Philadelphia, was a half sister of the last She is to-day confined in the hospital of Frankfort, Pa., suffering from insanity a persecutory character, of which persecutio is the delusion. This will be established to you by the gentlemen from both hospitals as far as I have been able to procure their attendance.

Horace Thaw was a young man. He was a son of the first William Thaw mentioned, of Richmond, Va. He was born in Richmond in January, 1861, and was committed to the Western State Hospital at 23 years of age, and he died in 1899 from what was called forms of delusions of insanitydelusions of persecution and heredity. This will be established to you by the records of the hospital.

This, gentlemen, indicates what there is to be found in the paternal branch of this defendant's family. This produces upon the father's side infirmities which do not pass down, mark you, in type, or, rather

It is not that a man inherits from his father the thing which his father had. It is that he inherita from his father the quality of instability, of nervous temperament, it may be that his father had; so that you understand when I speak of this that is the quality to which I allude.

ON HIS MOTHER'S SIDE

Upon the maternal branch the defendant's mother was a Copley. She had six brothers and sisters. I have told you, and you wil have a chance to see her upon the stand, undoubtedly. Unfortunately at this most trying hour of all her life and the life of her son she has been confined for weeks and months to her own home, unable to move, both from rheumatism and from an attack of heart trouble, which has threatened to de prive us of her benefit and presence upon this trial, but I believe now I can promise you she

Of her six brothers she had a brother Josiah Copley, He was a student in Amherst, a brilliant boy, with a finely strung nervous system, organized after the fashion of men who do things, who achieve things and reach things. He became the orator of the school and delivered his address, and, while deliver-ing this address, under the strain of the moment, which to him was the greatest it ever had, a silver cord was broken, and this boy, at the age of adolescence, just at the time when he was standing on the threshold of a great career—his mind was shattered. And no man knows how close the line of reason runs to that of insanity. We cannot fail to be impressed with the idea that the most brilliant men are standing right on the very threshold that divides the line of reason and darkness; and this boy, standing as it were with the fruit right within his reach, the golden apple within his grasp, came, as it were, into the chasm of darkness.

For a year he lived as absolutely irre sponsible as if every chart and compass of mind had been pitched overboard and he had been left alone; and from a brilliant. strong and earnest boy he recovered from the darkness of this eclipse, went through the war, lives to-day, but lives in that nervous, overwrought, broken and infirm condition not insane. But he suffered his insanity under a great strain. This was the own brother of the mother of this defendant.

Henry W. Copley was a brother also of the mother of this defendant. He has been insane or feeble minded since he was five years of age. Apparently, as the facts will show, this boy, not strong at that age, re ceived some sort of fright from the boys in the fields or the yards-this boy received such a fright and from that moment on had spasms and convulsions. He passed into ar institution and from that institution passed away. And the doctor is here that will testify that he knew him, understood him, knew all knew him, understood him, knew all about him.

Mrs. Thaw, the mother of this defendant, had a sister who was known as Margaret copley, and she married a man by the name of Ross. Of course, as you go further away from the defendant the evidence becomes less potential to you, and it is a question of the weight of the evidence as to how far you Her sister had a son also a son, of course, of John Ross, her husband, and that son, at an early age, went insane.

AS TO THAW HIMSELF.

This history would have to be studied, Mr. Littleton said. "No man," he added, "can rebel against that tyranny which was established over him by his ancestors; no man can fiee from that fever which burns in his blood at his birth and will burn in his blood until he dies." What was the timber of which this boy was made, what was his timber when he was a child, what was his timber at the age when White lost.

was his timber when he was a child, what was his timber at the age when White lost his life? Mr. Littleton asked all these questions and then inquired as to what strain Thaw's mind could stand.

Harry Thaw when he was born was an unusual infant, "he seemed to hang midway between infirmity and greatness." He was sleepless and wild eyed. Three months after his birth he had brain fever from congestion of the lungs. When he from congestion of the lungs. When he was four months old he had convulsions. For years his health was bad and then he an attack of St. Vitus dance. That when he was 6 or 7 years old. Said was when he Mr. Littleton:

The most astounding fact about it all is that this boy's unusual nervous infirmity and instability-with all this he was precocious, precocious to a degree. Like children you have known, he was premature in his conception of things, quick to learn. He could learn, as some boy you have known in your own life—some boy who could learn belles lettres and philosophy, and another could learn mathematics but nothing else. These were only remarkable illustrations of what was accentuated in his particular case. He did not learn to speak until six years of age. Until six years of age he had not learned to talk. He had not learned to talk intelligibly at six years of age, in his own family or with the aid of others.

When he was turned over to the custody of his teacher, Mrs. Belle Moorehouse Lawrence, he found himself, as she found him-and she has come clear across the continent, his old teacher-to tell you how his strange mentality. the strange mental quality that he exhibited under her care. This is a story which comes from those who have known him from his infancy to his age of 31 or 32. This lady will ell you a most remarkable story. She made a diary at the time. Her notebook, full of the notes of comment of her judgment upon this boy-she fell in love with the weak boy,

for he was weak and unsocial. He had not lived as others lived. He could not feel as others feel; and all that he lived and loved, he lived and loved alone. She tells the most pathetic story of his life from 8 to 8 years of age that ever will fall from the lips of a woman. How he struggled with a speech that was unknown to her, and how his mind was as brilliant in flashes, or brilliant as a star that might flash out of the skies at midnight; how at times he seemed to be unusually bright, and at others how dark seemed

to become the obscuration of his mind, which has attended him through his life. She said she wrote in her diary-she said, "This day, (in 1877, I think it was) Harry Thaw, a quiet, distant, wide-eyed boy," came into her school. "He could not speak a word that I could understand, or that any other person could understand, except, perhaps, his mother." She found him thus, and she took him, and, with great care and interest, tried what she could do, for, in her gentle and benevolent feeling, this was the object of her affection in her school. From her testimony you will see that she was dealing with a boy whose infirmities set between him. Well, she will tell you that only one fatal strain or blow was enough to have thrown him absolutely off his balance, every belt off its wheel, everything loose, at ends and without any mechanism of any kind to control it: and yet how that, at that very time, by listening, with a strange faculty of memory, he had charged his memory with won-

that time he would have spasms or convulsions. She says that at first she ascribed it to a spasm of anger. That was her impression-a boy that without any precaution would do anything-well, that is anger, temper-that is what she thought. You have seen boys of that sort. Well, that is an exhibition of temper, madness; but she said, "Not so with him." She said that she has taken him in her arms, after he was so large she could scarcely pick him up from the floor, and she had swathed his head in bandages of cold water and turned the water upon his pulse so that she might bring him out of one of these spasms, which arose from nothing except the fact, apparently, that his whole nervous organization, his whole vitality, seemed to give way. And she wrote It down at the time. And she is here to testify to it. She says that at that time she believed he needed, must have, treatment that would bring him back to his normal temperament.

bring him back to his normal temperament.

Then Thaw went to a school kept by a Mr. Beck at Titus, Pa., but after he got there he lay upon his face for weeks. They thought it was from homesickness, but when he wouldn't eat and it kept up for months he was sent home. He was 11 then, and next he was sent to a school at Worcester, Ohio, where Thaw's immediate teacher was a man named Coler Mr. Coler kept a diary, too, but he has lost it. He will testify, Mr. Littleton said, that Thaw sat "wild eyed and distant, seeming to turn sat "wild eyed and distant, seeming to turn his eyes inward for the study of himself."

Mr. Coler wrote in his book that Thaw would have to be treated in some form to

make him normal.

After Thaw's ineffectual attempts to do anything at Yale or Harvard he went abroad to travel in 1895 or 1896. He was in Rome, London, Paris and Monte Carlo.

London, Paris and Monte Carlo.

"If the good ships come," said Mr. Littleton, "we will be able to prove by the physician who attended Thaw in Rome that he was not sane and rational then.

"His father." said Mr. Littleton, "on account of his means was able to see that

no care of any ordinary kind should come to this boy. But he had no duty to perform, he had no labor to do, he had no function to do, he had no great fundertaking to take up. His life had been running as free as it could upon this infirm foundation." BRAIN FEVER AT MONTE CARLO. Thaw went to Monte Carlo, had another attack of brain fever, walked out of his room when his temperature was 104, called on a friend and came back shivering, "hang-ing on the very threads of destiny." Mr. Littleton said he had tried to get the physician to come here, but failed. However the nurse who attended Thaw then will

Next Mr. Littleton took Thaw to London saying that his life "was far, far away from all the bitter slanders and lies that have been told about him." He had not lived along "the deep down dregs of that society to which he has been ascribed." Mr. Littleton said:

He has been oscillating between genius and madness ever since he was a boy. He nad been struggling between brilliancy and utter darkness ever since his birth. He had been struggling so between that heredity which he could not escape and between a brilliancy which flashed up here and there and went out again, as I will show you by the evidence in this case. I do not say he was without faults in his life or career. not say he has not committed wrongs. I do not say the evidence will not disclose, perhaps, the faults and frailties in which he is not alone. make no greater appeal for Harry Thaw than the average American boy, but I do make that appeal, and I stand upon that appeal before this jury and before this com-

In London Thaw went to a physician, said he had a raging fever, wanted tons of ice put in the room and the walls knocked down. He had no fever, and the physician s on his way here to tell about it.

Not a suggestion of fever. Indigestion! Yes. Lack of nourishment? Yes. Infirmity? yes. Temperament all overwrought? Yes. Insane? Beyond a doubt, says the physician and during his existence in my hospital or sanitarium he was insane for the entire period of that time. When I let him go he had been restored to a normal understanding of himself. I say the physician and his nurse if time allows, and I think it will-and you can understand the tremendous difficulty it is to search all the capitals of Europe and the hospitals and other places to bring these people here, in order that they may tell you that our story which we have submitted to you cannot be characterized as a defence that has been invented to suit this occasion.

EVELYN NESBIT ORDERED HIS LIFE. About 1900, Mr. Littleton said, there came into Thaw's life the one circumstance that has ordered it and controlled it, shaped it and fixed it—"the circumstance of his acquaintance with at that time a person who cannot be said to have been more than a little girl in years and in stature and in experience) A country girl, to be sure, a girl who came from Pittsburg or Allegheny, who was the daughter of an old lawyer who died many years before, whose mother had left some property with which she had gone through, either because there was not much or because she was not prudent in the management of it, not having had sufficient

experience."
Mr. Littleton went over the history of
Evelyn Nesbit's life, practically all of which has been told. If anybody in the case had done wrong.
Mr. Littleton said, it would be brought out. but there would be no wanton, wilful or unnecessary attack on the memory of White. "Stanford White met and knew this young girl—" said Mr. Littleton. "I object," said Mr. Jerome. "This is

not in any way, shape or manner within the issues of this case."
"Objection sustained," said Justice Dow-

"Objection sustained," said Justice Dowling.

Mr. Littleton switched to the time Thaw met Evelyn Neebit. In broad, plain; homely speech, he said, Thaw loved her. He started to speak about the operation on Miss Neebit at the New Jersey school, and Mr. Jerome interrppted again.

Mr. Littleton then jumped to the time Miss Nesbit and her mother went to Paris in 1903. He referred to the story she says she told White, and in doing so he said it was a story that had worldwide publicity, and it "was borne, no doubt, upon the wings of that strange romance, that wonderful, if revolting, revelation which came from the lips of the defendant's wife. If the world had stood still at its telling, if the ploughman had taken his hand from the plough, if the clerk had stood still at his deek.—"

desk—"
Mr. Jerome stopped him again, saying that Mr. Littleton was summing up.
"Yes, it's summing up," said Justice Dowling.
"I was going to show the effect on the defendant's mind," said Mr. Littleton.
"By showing it upon the mind of the ploughboy," retorted Mr. Jerome, but Mr. Littleton said:

ATTEMPT AT SUICIDE.

I need but go a little further, and this I rust will be regarded by the District Attorney as well within the facts. There, at that particular time, or a little later, and nothing but the arrival of another ship can tell, I will demonstrate to you that the defendant his history revealed as it is, his past under stood as it is, yielding to the absolute hopeessness of the situation which was presente o him, walked into his room, drenched himself with a poison which it took the doctor all night long to extract from his system to save him from the self-destruction which he thought himself called upon to impose n order to rid himself of the terrible melan choly of this story that had been borne into his very mind by the person for whom he most cared. That fact I will demonstrate, beyond any peradventure in this case, gentlemen of the jury.

Thaw and Miss Nesbit maintained meretricious relations, but after all he made her his wife, said Mr. Littleton, and added:

Their lives as they spent them at their nother's home bore no unusual incidents except the travelling back and forth to New York and the prospective trip to Europe. I

# belonged to him. APASMS AND C NYULSIONS IN SCHOOL. She kept him in her school with wonderful tare, caution and precaution as to his training, the says that after a year and a half, or posibly less or more—I cannot give these things from memory accurately—she was able to hable him to talk to some exient. During the would have spasms or buring the

THE After-theatre Supper is best on the old plan—simple food and EVANS' ALE a plenty—then restful repose.

Clubs, Hotels, Restaurants, Saloons and Dealers

will demonstrate to you that within two months of the killing of Stanford White this defendant, in transit from Chicago to New York, his reason dethroned, his mind unseated, his whole balance gone, excited the fears of those who had charge of the train until they summoned a physician who is prominent in the State of New York, whose reputation shall not be gainsaid, who visited him in his stateroom, who administered to him in his stateroom, who will tell you that at that time within sixty days of the killing of Stanford White this man was absolutely insane and unable to know not only the nature and quality of his act but unable to surround himself with those safeguards which mean life and the safety of his own life and selfprotection

Mr. Littleton told how Thaw had appealed to the District Attorney and others about White and finally killed White. He went on: Instead of the picture you have already

nad I will show you by people from every walk of life who sat upon that roof-men and women, old and young, rich and poor, high and low-that on that roof, staggering amid the chairs and yet not drunk, walking as it were where there were no eyes, muttering to himself, gnawing his nails, his eyes burning like coals of fire within his head, unable to answer coherently any question that was put to him, maniacal to the last degree, lost, thoroughly lost, lost as he was in Rome. lost as he was in Monte Carlo or in London or upon the train, lost as the previous history would predict and his infancy would justify staggered about that roof and in the blind confusion of that insanity which overtook him, out of it all there issued, not murder not the death of a man whose hand was red with the guilt of the blood of his fellow man, out out of it came the act of a madman; and ow when he was taken off the roof the next day to the prison those who took him under stood-wild eyed, crying out in his cell, "The people above me, the young girls above me are crying out; why doesn't somebody go to them?" Crying out, "I acted under Provi-dence," crying out, "Every time he looked at ny wife's hands they shrivelled up; he the bane of her life.

Mr. Jerome made another protest that Mr. Littleton was summing up, but Justice Dowling said he was within bounds. Then Mr. Littleton concluded by declaring that he would prove everything he said he would. He said that he would call alienists and challenged the District Attorney to produce an expert who would say that Thaw was not insane when he shot White.

PRANK COSTS BOY HIS LIFE. Harry Defreis Crushed in Elevator Shaft at 20 Broad Street.

The office building at 20 Broad street, where on December 20 James H. Oliphant was shot and killed by Dr. Charles A. Geiger of South Carolina, who then committed suicide, was the scene yesterday of another tragedy. This time the victim was a sixteen-year-old office boy, Harry Coon, who was crushed to death in the elevator shaft as the result of a childish

Early in the afternoon Abe Hirschfield. who operates the elevator nearest the Broad street entrance of the building, felt a jar and stopped his cage. It was some minutes before the cause was found to be the body of the boy, which was wedged between the side of the shaft and the counterweight,

the side of the shaft and the counterweight, between the sixth and seventh floors. When an ambulance doctor arrived he crawled up a ladder rigged up hastily inside the shaft, but the boy was dead. Three hours later the body was finally disentangled and the identification made by means of a notebook on the fly page of which was written: "I am Harry Coon and I live at St. Ann's avenue and felist street. In case of accident notify Mr. or Mrs. Marks, who live on St. Ann's avenue between 135th and 136th street." He was an adopted son, whose real name was was an adopted son, whose real name was

was an adopted son, whose real name was Harry Defreis.

The boy had been employed for the last year and a half in the office, on the twentieth floor, of Joseph D. Harrison, an architect. While waiting for a car it had occurred to him to play one of the tricks popular among boys in big buildings and throw a glassful of water down on one of the elevators. He inserted a bit of wire, unlocked the door and leaned out to see where the car was. In doing so he lost his balance and to save himself clutched the cables.

The car was coming up, though, and he must have seen that his only chance was in flattening out against the iron grill work lining one side of the shaft. He forgot, however, about the counterweight which drops as the car rises. It descended on him unseen and dragged him with it down thirteen stories to a point where

down thirteen stories to a point where there is a projection. There he was crushed to death.

Two Sisters Will Be Buried in One Grave Mrs. Bertha Andrews of 1052 Madison street, Brooklyn, and Mrs. Annie Tucker. her sister, who lived at 127 Grove street, died on Friday night and will be buried side by side to-day in one grave. Mrs. Tucker, who had been in poor health, was taken to St. Catherine's Hospital on last Thursday to undergo an operation. On taken to St. Catherine's Hospital on last Thursday to undergo an operation. On the following day when Mrs. Andrews went to the hospital to see her sister she learned that she had had a sinking spell and that her condition was critical. Mrs. Andrews became greatly agitated and immediately returned to her home, where she was stricken with apoplexy and died late on Friday night. Mrs. Tucker never rallied from the sinking spell and died four hours after her sister. Funeral services for both were held last night in the Andrews home. Andrews home.

GRAPE-NUTS.

Many persons suffer with weak stomach and more or less illness because they fail to understand the simple and healthful plan of a breakfast somewhat like the following:--

A little fruit. A dish of Grape-Nuts and cream. One or two soft eggs.
A cup of Postum Food Coffee and perhaps a piece of hard toast.

A man says, "I couldn't go on that until noon."

One or two days' trial will

teach him a big volume of facts and make him feel "fit as a lord." There is a deep underlying and scientific reason. The best argument, however, is the actual experience with such breakfasts.

fold benefit if you buy a winter suit or overcost now.

You have the use of it for both this winter and next, and-

You save from \$4 to \$8-the amount we have taken off usual prices. They belong to "broken lots," which explains.

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TEAS in pound and half-pound packages.

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Displays in all our stores. Debreries made out of town.



# LITHIA-SELTERS A TABLE WATER GENERAL USE UNSURPASSED AS A MIXER FOR WINES, WHISKIES & HIGHBALLS CARL H. SCHULTZ Quarte, Pints and Splits.

\$30 A WEEK FOR MRS. RUBINSON. Court Holds Husband to Allowance He Had Reduced to \$15.

Supreme Court Justice O'Gorman has ordered Jacob Rubinson, a real estate dealer, to pay his wife, Anna Rubinson, \$30 a week alimony and \$150 counsel fee pending the trial of her suit for separation. The Rubinsons were married in 1890, and, according to her, were poor at the time. Rucording to her, were poor at the time. Rubinson prospered as a cap manufacturer and later as a real estate dealer, but abandoned her, she says, in 1906, when they were living at the Carnegie Hotel. Madison avenue and Ninety-second street. Rubinson told her, she says, that he no longer cared for her and thought it would be better for them to separate. He allowed her \$30 a week, but reduced the allowance to \$15 later, when she went to live with her brotherlater, when she went to live with her brother-in-law. Julius Hochman, at 9 East Ninetyseventh street Rubinson says that his wife's health and temper became so bad that he had to

leave home and seek comfort apart from

DIED. BURDETT. On Monday, January 13, 1908, at the residence of Miss Julia Merritt, Stamford. Conn., Mary Roe Burdett, widow of Charles

Burial service at St. John's Church, Stamford, on Wednesday, January 15, at 3:15 P. M. Carriages in waiting on arrival of 2 o'clock train from New York. Hartford papers please

FLEMING .- At Scarsdale, N. Y., on January 11. Charles Carmer Fleming, son of Charles E. and Mary H. Fleming. Funeral ou Tuesday, January 14, at the Church of St. James the Less, Scarsdale, on arrival of the

1:36 train from New York. HOLDEN.-At Madison, N. J., January 18, James C., in the 84th year of his age. Notice of funeral hereafter. HUGGINS .-- On January 12, 1908, at her residence.

253 West 71st st., Rosa Louise, wife of J. Lenos Huggins and daughter of the late Alexander Funeral atathe Church of St. Francis Xavier, West tota st., Tuerday 14th Inst., at 10 o'clock. LAWRENCE.-in New York city, at her resi-

dence, on Saturday. January 11, 1908, Char totte Heers, widow of Albert Gallatin Law rence of Cleveland, Ohio, funeral services at Calvary Church on Friday morning, January 17, at 11 o'clock. Interment in Lakeview Cemetery, Clevefand, Ohio, Satur-

BUSINESS NOTICES.

Mrs. Winslow's Soothing Syrap for children tecthing, softens the gums, reduces inflammation, allays pain, cures wind coile, diarrhesa, 25c, a bottle.